

# Court of Appeals, State of Michigan

## ORDER

Clark & Lynn LLC v Bingham Township

Docket No. 284265

LC No. 07-007551 CZ

William C. Whitbeck  
Presiding Judge

Peter D. O'Connell

Patrick M. Meter  
Judges

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The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2) is GRANTED and the claim of appeal is DISMISSED for the reason that the appeal is not within the Court of Appeals jurisdiction. MCR 7.203(A)(1)(a) does not allow an appeal of right from a circuit court order on appeal from a tribunal. *Krohn v City of Saginaw*, 175 Mich App 193 (1988), is inapplicable because it was decided prior to the 1994 amendment to MCR 7.203(A)(1)(a) that eliminated an appeal of right from a circuit court order on appeal from a tribunal. Furthermore, MCL 125.3606(3) was amended in February 2008 to delete any reference to an appeal to the Court of Appeals. As this Court stated in *Watt v Ann Arbor Board of Education*, 234 Mich App 701, 705 (1999), *lv den* 461 Mich 868 (1999), “unless an appeal of right has been categorically established by law or court rule, appeal is by leave.”



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 21 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk